

FILED

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

NOV 03 2015

for the

Northern District of California

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States of America)

v.)

BRYAN GILBERT HENDERSON)

Case No. 3 15 71487)

Defendant(s))

SEALED BY ORDER SK
OF COURT**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 2, 2015 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. Section 2252A(a)(5)(B)

Possession of Child Pornography

Maximum Penalties: 20 years' imprisonment, \$250,000 fine; 3 years' supervised release; \$100 special assessment.

This criminal complaint is based on these facts:

Please see the attached affidavit of FBI Special Agent Kelli Johnson

(Approved as to form KJB AUSA Kevin J. Barry)☒ Continued on the attached sheet.Kelli Johnson
Complainant's signatureKelli Johnson, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/30/15Sallie Kim
Judge's signatureCity and state: San Francisco, CASallie Kim, U.S. Magistrate Judge
Printed name and title

1 - MJB

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ARREST WARRANT

I, Kelli K. Johnson, being first duly sworn, hereby depose and state as follows:

I. Introduction and Qualifications of Affiant

1. I respectfully submit this Application and Affidavit in support of a warrant authorizing the arrest of BRYAN GILBERT HENDERSON, residence address 1XX6 E. 16th Avenue, San Mateo, California 94402, which is located in the Northern District of California.

2. For the reasons stated below, I submit that there is probable cause to believe that BRYAN GILBERT HENDERSON violated 18 U.S.C. § 2252A(a)(5)(B) and (b)(2) (possession of, knowing access, conspiracy to access, or attempted access with intent to view child pornography).

3. I have been employed as a Special Agent of the FBI since September 2012 and am currently assigned to the San Francisco Field Office, Oakland Resident Agency in a squad that investigates crimes against children. Prior to my service with the FBI, I was a commercial airline pilot. From my employment as an the FBI Special Agent, I have investigated, among other things, federal criminal violations related to cybercrime, child pornography, and the sexual exploitation of minors. I am currently assigned to investigate cases involving the sexual exploitation of minors, including such exploitation via the Internet and computers. As an FBI agent, I am authorized to investigate violations of federal law and execute warrants issued under the authority of the United States. I have received training and possess experience relating to federal criminal procedures and federal statutes. I have also received specialized training and instruction in the field of sexual exploitation of minors, to include child and adolescent forensic interviewing. I have experience investigating violations of child pornography and child exploitation and have reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2251 and 2252A, and I am authorized by the Attorney General to request a search warrant.

4. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a Special Agent (SA) with the FBI. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested warrant to arrest BRYAN HENDERSON, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the requested warrant.

II. Relevant Statute

5. This investigation concerns alleged violations of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2), Possession and Access, or Attempted Access, with Intent to View Child Pornography.

6. 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2) prohibits a person from knowingly possessing or knowingly accessing with intent to view, or attempting to do so, any material that contains an image of child pornography, as defined in 18 U.S.C. § 2256(8), that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

III. Definitions

7. The following definitions apply to this Affidavit:

a. “Child Erotica” means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not, in and of themselves, legally obscene or that do not necessarily depict minors in sexually explicit conduct.

b. “Child Pornography” is defined in 18 U.S.C. § 2256(8) as any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

c. “Minor” means any person under the age of eighteen years. See 18 U.S.C. § 2256(1).

d. “Sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. See 18 U.S.C. § 2256(2).

e. “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See 18 U.S.C. § 2256(5).

IV. Statement of Probable Cause

8. On August 24, 2015, the Honorable Joseph C. Spero, Chief United States Magistrate Judge for the Northern District of California, issued a search and seizure warrant for 1XX6 East 16th Avenue, San Mateo, California, the residence of BRYAN GILBERT HENDERSON. On September 2, 2015, FBI Special Agents executed the search warrant at the

aforementioned address and seized multiple items of digital evidence pursuant to the search warrant.

9. One item of evidence seized from BRYAN GILBERT HENDERSON's bedroom was a white "Antec" computer tower (serial number and model number missing). During an interview of HENDERSON during the execution of the search warrant, HENDERSON stated that he had owned the white computer located in his bedroom for six years. The computer had a host logon name of "kaluman," and he used the computer to access the Internet, Facebook and e-mail.

10. I believe that the hard drive from the "Antec" computer that contained the images described below was manufactured outside the State of California.

11. I began a review of the content of the white "Antec" computer and to date have found 938 images of child pornography, 90 images of known child pornography (derived from the Child Victim Identification Program's database) – that is, images that meet the definition of child pornography and with known, identified child victims, 37 videos containing child pornography, and well over 500 images of child erotica. As the computer contained approximately over 380,000 images, I only completed approximately less than 5% of the total review. Descriptions of videos and images found during the evidence review of the computer are outlined as follows.

12. I reviewed one video titled "[ptch] 10yo Preteen DeliLatina (BJ+Anal+Cum in Mouth – Full HD) ~ New! Opva 2014kids 11y 12y 13y pedo children porn". The video contained a naked pre-pubescent girl who had her vagina and anus digitally penetrated by an adult male. The adult male also penetrated the girl's vagina and anus with his penis. Additionally, the adult male performed oral sex on the girl and the child was also seen to be performing oral sex on the adult male. At approximately 51 minutes and 54 seconds into the video, the girl is shown with what appears to be semen on her bare chest.

13. I reviewed the video titled "¡BOB! Ptch Webcam 2011 14Yo with a family dog!". The video contained an adolescent female, approximately 12-14 years old, lasciviously displaying her genitals. While the girl is seated, a dog licked her vagina for several minutes. In another scene of the video, the girl separated her buttocks while the dog licked her anus. The video was approximately 13 minutes and 13 seconds in length.

14. I reviewed a series of nine images in a time-stamped montage. In the images, a girl who appeared to be approximately younger than five years old was shown lasciviously displaying her genitals while she inserted a foreign object into her vagina.

15. I reviewed an image that contained a naked boy, approximately 2-3 years old. The child was shown inserting his hand into an adult female's vagina. The adult female was lying on a bed with her breasts exposed and wearing a black negligee with high heels. The adult female held the toddler's arm that was being inserted into her vagina.